



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re REISSUE APPLICATION OF

Rodney M. SHIELDS

Appln. No.: 09/267,025

Filed: March 11, 1999

Confirmation No.: 6529

Group Art Unit: 1772

Examiner: William P. Watkins III

Title: IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING

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#33  
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\* \* \* \* \*

June 3, 2003

**PETITIONER'S WITHDRAWAL FROM PUBLIC USE PROCEEDING**

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

Petitioner in the public use proceeding of the above-referenced reissue application hereby withdraws from the public use proceeding. Petitioner's testimony, which was filed on March 21, 2003 and May 5, 2003, is hereby withdrawn and the cross-examination of the affiants, which was requested by Applicant on May 27, 2003, is moot.

Careful review of the pending claims, prosecution history, written description, and prior art revealed that even the broadest appropriate resulting patent protection is commercially irrelevant to Petitioner. Moreover, the Examiner's April 15, 2002 Report makes clear that "both art and recapture rejections" against the pending claims will be reinstated after the public use proceeding ends. Petitioner is confident that such rejections, as well as additional anticipated prior art and written description rejections, will ensure that any resulting patent protection is appropriately limited. Finally, if the reissue application results in improperly broad patent protection that is relevant to Petitioner's business, Petitioner is confident that

the overwhelming evidence of public use provided during this proceeding will be more than sufficient to invalidate any improperly broad claims that are asserted against any third party.

Petitioner also reminds Applicant of its own Rule 56 duty to disclose public uses to the USPTO, including the public uses that Petitioner has identified through this proceeding.

Respectfully submitted,

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Attachment: Proof of Service Under 37 CFR §1.248



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**PROOF OF SERVICE UNDER 37 CFR §1.248**

I hereby certify that a true copy of the foregoing PETITIONER'S  
WITHDRAWAL FROM PUBLIC USE PROCEEDING and attachments thereto were  
served by facsimile and by U.S. First Class Mail this 3<sup>rd</sup> day of June, 2003 on counsel  
for the reissue Applicant indicated below:

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